

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CORVETA HOUSTON,)	CASE NO: <u>1:14-cv-1518</u>
)	
Plaintiff,)	JUDGE _____
)	
vs.)	
)	<u>NOTICE OF REMOVAL</u>
DEALZ AUTO TRADE, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

Defendant Credit Acceptance Corp. (“Credit Acceptance”) hereby gives notice of the removal of the above-captioned matter from the Cuyahoga County, Ohio, Court of Common Pleas. In support thereof, Credit Acceptance states as follows:

1. On June 4, 2014 Plaintiff Corveta Houston (“Plaintiff”) commenced a civil action in the Court of Common Pleas of Cuyahoga County, Ohio, captioned as *Corveta Houston v. Dealz Auto Trade, Inc. et al.*, Case Number CV-14-827795, against Dealz Auto Trade, Inc. (“Dealz”) and Credit Acceptance. Copies of all process, pleadings and orders, including but not limited to Plaintiff’s Complaint are attached hereto and filed with this Notice as Exhibit “A”, as provided by 28 U.S.C. § 1446(a).

2. Defendant Credit Acceptance was served with a copy of the Complaint and Summons on June 10, 2014. This Notice is being filed within thirty days from service of the Complaint on Credit Acceptance, and is therefore timely pursuant to 28 U.S.C. § 1446(b).

3. This Court has original federal question jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, and the action may be removed to this Court pursuant to the provisions of

28 U.S.C. § 1441(b). The Complaint on its face alleges a conspiracy to violate the Truth in Lending Act (“TILA”) 15 U.S.C. 1602 *et seq.*, and violations of TILA (Complaint, ¶¶ 67-77). Removal is appropriate on the grounds of federal question jurisdiction. 28 U.S.C. § 1441(a). *City of Chicago v. International College of Surgeons*, 522 U.S. 156, 163-64 (1997).

4. Because federal questions exist, the Court may exercise supplemental jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367(a).

5. This Removal Notice is filed by Credit Acceptance. Defendant Dealz has expressly consented to this removal.

6. Pursuant to 28 U.S.C. § 1441(a), venue is proper in the United States District Court for the Northern District of Ohio because this District embraces the Common Pleas Court of Cuyahoga County, Ohio, where the action was originally filed. *See* 28 U.S.C. § 129(a).

7. Pursuant to 28 U.S.C. § 1446(d), Credit Acceptance will promptly file a copy of this Notice of Removal in the Cuyahoga County, Ohio, Court of Common Pleas, and give written notice of the removal of this action to counsel.

8. By removing the action to this Court, Credit Acceptance does not waive any defenses, objections or motions available to it under state or federal law. Credit Acceptance expressly reserves the right to require that Plaintiff’s claims be decided through arbitration, if appropriate, and to move for dismissal of the Plaintiff’s claims pursuant to Rule 12 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant Credit Acceptance Corp. removes this action from the Court of Common Pleas, Cuyahoga County, Ohio, to this Court.

Respectfully submitted,

/s/ Maria C. Burnette

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CERTIFICATE OF SERVICE

I CERTIFY that the foregoing Notice of Removal has been served this 10th day of July, 2014, by first class U.S. mail, postage prepaid, upon the following:

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/s/ Maria C. Burnette
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